

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-094497

10/02/2013

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
K. Tiero
Deputy

IN RE THE MARRIAGE OF
MICHELLE ALANA SULLIVAN

MICHAEL G DELGADO

AND

STEVEN DAVID SULLIVAN

WILLIAM E MORRISON

HEATH H MCWHORTER
TASC - MESA

HEARING SET

Courtroom 204 – SE

4:57 p.m. This is the time set for Emergency Hearing on Mother's Emergency Motion for Post-Decree Temporary Order Without Notice filed October 2, 2013. Petitioner/Mother is present with above-named counsel. Respondent/Father is not present and neither is above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

Counsel for Mother addresses the Court.

The Court deems the Emergency Motion for Post-Decree Temporary Order Without Notice to be an emergency motion to enforce the decree because all of the relief being asked for is already provided for in the decree. As such, the motion is granted on a temporary basis.

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THE COURT FINDS that action without notice to the other side is required in this case because the health, safety and welfare of the children are in serious and immediate jeopardy.

The decree provides for drug testing. Father has failed to test according to the petition. Father has been arrested for an Order of Protection violation since the decree was entered. A police officer has expressed the opinion to Mother that Father is using methamphetamine.

Based on that information stated in the motion or the petition or both which were verified by Mother,

IT IS ORDERED that Father's parenting time shall be supervised by a professional agency, or a supervisor mutually agreed on in writing. That order will continue to be in effect until the date and time of the Temporary Orders Hearing on October 21, 2013.

IT IS FURTHER ORDERED that the children shall not be taken outside of the United States of America without Mother's consent.

IT IS FURTHER ORDERED, pursuant to the decree, the cost of the drug tests and the cost of the supervision, if any, will be Father's responsibility.

IT IS FURTHER ORDERED that Father shall **immediately** submit to a hair follicle test at a location of TASC, Inc. as indicated on the TASC Referral Form.

IT IS FURTHER ORDERED that Father shall undergo random drug testing three times a month on the following basis:

A. Agency. Father's random drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.

B. First Test. Father shall report to TASC **not later than 5:00 p.m. on October 3, 2013**, for his first test.

C. Scope. Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.

D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

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1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
2. Father shall timely report for testing and provide samples as directed by the testing agency.
3. Father shall present photo identification to the testing agency at the time of each test.
4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.

E. Cost. Father shall pay the cost of his testing (\$25.00 per test) in money order or cashier's check at the time of testing.

F. Frequency & Duration. Father shall be randomly tested not less than three times a month.

G. Positive/Diluted/Missed Test. In the event that Father tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.

H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.

ISSUED: Court Ordered Substance Abuse Testing

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IT IS FURTHER ORDERED that the Order to Appear and the Petition/Motion and associated paperwork shall be served on Father as soon as practicable and Mother shall also serve the TASC form to Father.

Discussion is held.

IT IS ORDERED setting this matter for **Temporary Orders Hearing on October 21, 2013 at 10:00 a.m.** before:

The Honorable John R. Hannah
Southeast Judicial District
Courtroom 204
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 1 hour

The Court will reserve ten minutes from each hour of hearing for preliminary matters, procedural issues, and for breaks.

FILED: Post-Decree Temporary Order Without Notice for Modification of Legal Decision Making, Parenting Time and Child Support

5:17 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.